



RECORDS RETENTION SCHEDULE

DEPARTMENT OF LAW

Attorney General

Schedule Date: June 2000



Prepared by
STATE RECORDS BRANCH
Public Records Division
Kentucky Department for Libraries and Archives

RECORDS RETENTION SCHEDULE

Signature Page

Department of Law

Agency

Attorney General

Unit

June 8, 2000

Schedule Date

Change Date

June 8, 2000

Date Approved by Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

A.B. Chandler

Agency Head

6-1-00

Date of Approval

Malea Meredith Vincent

Agency Records Officer

06-01-2000

Date of Approval

Richard L. Zedler

State Archivist and Records Administrator
Director, Public Records Division

5/25/2000

Date of Approval

Chairman, State Archives and Records Commission

6/8/00

Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Wanda L. Moser

Records Analyst/Regional Administrator

5/25/2000

Date of Approval

Jim Ingle

Appraisal Archivist

5/26/2000

Date of Approval

Wanda L. Moser

State/Local Records Branch Manager

5/25/2000

Date of Approval

The determination as set forth meets with my approval.

Ed J. Jahnke

Auditor of Public Accounts

6/8/00

Date of Approval

**Department of Law
Office of the Attorney General**

The elective office of Attorney General is established by the Constitution of Kentucky. Sections 91 and 93 of the Constitution provide that the duties of the Attorney General, as well as other constitutional officers, shall be prescribed by law. Other sections of the Constitution that pertain to the Attorney General include Section 94 (petition to have Governor declared disabled); Section 87 (service as acting Governor); Section 92 (qualifications); Section 95 (time of election); and Section 96 (compensation).

KRS Chapter 15 provides with specificity the duties of the Attorney General and the functions of the Department of Law. KRS 15.020 establishes the following duties:

- Act as the chief law officer of the Commonwealth, and the agencies and political subdivisions thereof;
- Act as the legal adviser of all state officers and governmental agencies and furnish opinions upon request pertaining to their official duties;
- Prepare drafts of written instruments for public use;
- Exercise all common law duties of the Office of the Attorney General as may be modified by statutory law;
- Appear for the Commonwealth in all cases in the Supreme Court or Court of Appeals of interest to the Commonwealth, and commence all actions or enter his appearance in all cases, hearings and proceedings in and before all other courts, tribunals, or commissions in or out of state; and
- Attend to all litigation and legal business in or out of state required of him by law, or in which the Commonwealth has an interest, and any litigation or legal business that any state officer or agency may have in connection with, or growing out of, his or its official duties, except where it is made the duty of the commonwealth's attorney or county attorney to represent the Commonwealth.

The Department is comprised of the following:

Civil and Environmental Law - this division acts as counsel to the Commonwealth's boards and agencies, prepares Attorney General's Opinions, responds to Open Records requests and represents state officials, elected prosecutors and the judiciary in legal proceedings.

Criminal Appellate - this division represents the citizens of Kentucky and the victims of crime in all criminal appeals and other post-conviction proceedings in state and federal courts. It advises elected prosecutors on legal issues, assists in prosecutor training, reviews the merits of appeals or requests for certification.

Consumer Protection - this division enforces the provisions of the Consumer Protection Act (KRS 367.110 - .300) that prohibits unfair, false, misleading and deceptive business acts or practices. It investigates consumer matters, mediates consumer complaints, promotes consumer education, serves as staff to the Governor's Consumer Advisory Council, and operates the Cemeteries and Funeral Homes Program (KRS 367.932 - .991).

Special Investigations - this division investigates certain specialized, primarily white-collar, criminal activity. The Welfare Fraud sections investigate fraud in the Food Stamp, Aid for Families with Dependent Children, and Medical Assistance programs. The Investigation/Enforcement section investigates illegal drug transactions, with special emphasis on the illegal diversion of legally manufactured drugs. This section also is responsible for investigating election law violations, under the provisions of the 1988 election reform legislation.

Special Prosecutions - this division prosecutes criminal cases pursuant to KRS 15.190 - .240 and KRS 15.715. It assists local prosecutors in complex or sensitive cases, handles cases in which the local prosecutor disqualifies himself, and prosecutes thefts from the Commonwealth by employees or elected officials. It also prosecutes elections law violations, under the 1988 election reform act.

Rate Intervention - this office operates under the authority of KRS 367.150 (8) and is the only state government entity charged solely with the protection of consumers' interests before ratemaking bodies, such as the Public Service Commission. It also can intervene in health insurance rate hearings (KRS 367.160 (3)).

Victims' Advocacy - this division operates the Victims' Advocacy program and provides support services to every victim of crime whose case is handled by the Attorney General's Office. It assists local prosecutors who wish to establish victims' programs, provides staff support to the Child Sexual Abuse and Exploitation Board and to the Victims' Trust Fund. It also provides external monitoring services to the Children's Residential Services program in the Cabinet for Families and Children.

Medicaid Fraud and Abuse Control - this division investigates and prosecutes cases of Medicaid provider fraud. It also investigates and refers for prosecution, or prosecutes, cases of abuse, exploitation and neglect of elderly persons.

Administrative Hearings - this division employs a pool of hearing officers for assignment to individual agencies, at their request, for conduct of administrative hearings. It also provides training for hearing officers and establishes a clearinghouse for complaints about the administrative hearing process.

Child Support Enforcement - this commission makes recommendations related to administrative procedures, prosecution, judicial procedures, legislation, and other matters pertaining to the state's child support enforcement program.

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04380	State Lobbying Registration Form File Closed Date: 8/1/1993	0	Retain in the State Archives Center	P

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Administrative Hearings

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04272	Hearing Officer File (V)	I	Transfer to the State Records Center one year after closure	4

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Child Support Enforcement Commission

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04321	Child Support Client File (C) KRS 61.878 (1) (a)	I	Transfer to the State Records Center three years after the last date of service	2

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
 Attorney General
 Civil and Environmental Law

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04592	Litigation Payout File - (Lump Sum Payments) - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	I	Transfer to the State Records Center two years after case closure. Destroy after audit	8
04593	Litigation Payout File - (Payments) - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	I	Transfer to the State Records Center two years after case closure. Destroy after audit	8
04594	Collection File - Voluntarily Paid - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	I	Transfer to the State Records Center two years after case closure. Destroy after audit	8
04595	Collection File - Not Voluntarily Paid - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	I	Transfer to the State Records Center two years after case closure. Destroy after audit	8
03400	Litigation File - Dismissed - (Uninsured Employers' Fund) (C) KRS 61.878 (1) (a)	I	Transfer to the State Records Center one year after case closure. Destroy after audit	4
03421	Uninsured Employers' Log Record of Case (C) KRS 61.878 (1) (a)	P	Retain in agency	
04269	Attorney General Opinion File (V)	P	Retain in agency	
04270	Open Records/Open Meetings Decision File (V)	P	Retain in agency	

C = Confidential Record

I = Indefinite

P = Permanent

V = Vital Record

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Civil and Environmental Law

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04271	Card File to Opinions/Decisions (V)	P	Retain in agency	
03334	Civil Litigation Case File (C) KRS 61.878 (1)(h)(i)(j) (V)	I	Transfer to the State Records Center one year after case closure	7
03335	Beverly Hills Supper Club Litigation File Closed Date: 12/31/1988	0	Retain in the State Archives Center	P
04345	Civil Case File - Permanent - (Cases of historical significance, high profile, defense of public officials, agencies, changes in law) (C) KRS 61.878 (1)(h)(i)(j) (V)	I	Transfer to the State Archives Center five years after case closure	P
04346	Docket Books - (1971-1979) Closed Date: 1/1/1980	0	Retain in the State Archives Center	P

C = Confidential Record

I = Indefinite

P = Permanent

V = Vital Record

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Consumer Protection

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04971	Business Opportunity Exemption File	I	Transfer to the State Records Center one year after the determination of exemption status	3
04972	Business Opportunity Registration File	I	Transfer to the State Records Center five years after date of last registration. Destroy after audit	3
04980	Health Spa Closure File	I	Transfer to the State Records Center three years after disbursement of refunds	3
04981	Health Spa Registration File	I	Transfer to the State Records Center three years after the date of last registration. Destroy after audit	3
04982	Health Spa Exemption File	I	Transfer to the State Records Center one year after the date of the exemption determination	3

C = Confidential Record

I = Indefinite

P = Permanent

V = Vital Record

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Consumer Protection

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04983	Transient Merchant File	I	Transfer to the State Records Center one year after denial of permit, or bond expiration	1
04984	Fundraising Consultant Registration File	I	Transfer to the State Records Center three years after date of last registration. Destroy after audit	3
04985	Telemarketing Merchant Registration File	I	Transfer to the State Records Center two years after date of last registration. Destroy after audit	2
04986	Telemarketing Exemption File	I	Transfer to the State Records Center one year after determination of exempt status	3
04987	No Telephone Solicitation Call List	I	Destroy consumer's card one year after removal from the "no call" list	
04988	Professional Solicitor Registration File	I	Transfer to the State Records Center three years after the date of last registration	3

C = Confidential Record

I = Indefinite

P = Permanent

V = Vital Record

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Consumer Protection

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04989	Recreation and Retirement Use Land Sales Registration File	I	Transfer to the State Records Center one year after denial of registration or release of bond, whichever is later. Destroy after audit	2
04990	Federal Form 990 File - (Documents the filing by charitable organizations of Federal Form 990)	I	Transfer to the State Records Center two years after date of filing	3
04168	Federal Charitable Trust (Treated as a Private Foundation) Return File - (Internal Revenue Service Form 990-PF)	2	Transfer to the State Records Center	3
04164	Complaint File (V)	I	Transfer to the State Records Center one year after case closure	4
04166	Investigation File (C) KRS 61.878 (1)(h) (V)	I	Transfer to the State Records Center one year after case closure	4
04167	Litigation File (C) KRS 61.878 (1)(h)(i)(j) (V)	I	Transfer to the State Records Center one year after case closure	7
04169	Anti-Trust Litigation File (C) KRS 61.878 (1)(h)(i)(j) (V)	I	Transfer to the State Archives Center one year after case closure	P

C = Confidential Record

I = Indefinite

P = Permanent

V = Vital Record

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Consumer Protection

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04175	Index to Consumer Protection Litigation Files - (Includes case number, name of attorney, court, closure date, case disposition)	P	Retain in agency	
04170	Pre-Need Seller History File - (Documents the licensing of funeral homes, including those that provide pre-need services/contracts) (C) KRS 367.940 (6) (Annual Report only) (V)	8	Transfer to the State Records Center	2
04171	Cemetery History File - (Documents that all persons or companies that own cemetery property and that are engaged in the sale of pre-need cemetery contracts/services are in compliance with applicable laws) (C) KRS 367.940 (6) (Annual Report only) (V)	8	Transfer to the State Records Center	2
04172	Pre-Need Sales Receipt File	2	Transfer to the State Records Center. Destroy after audit	1
04991	Notice of Private Lawsuit File	2	Destroy	
04992	Bankruptcy Notice File	2	Destroy	
05011	Request for Conviction Record - (Background check for professional solicitors and fundraising consultants) Change Date: 6/14/2001	I	Transfer to the State Records Center one year after background check has been performed	4

C = Confidential Record

I = Indefinite

P = Permanent

V = Vital Record

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Criminal Appellate

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
03292	Criminal Appellate Case File (C) KRS 61.878 (1)(h)(i)(j)	I	Transfer to the State Records Center four years after case closure	8

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Medicaid Fraud and Abuse Control

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
03293	Medicaid Fraud Investigative/Litigation File (C) KRS 61.878 (1)(h)(i)(j); Title V, USC (V)	I	Transfer to the State Records Center two years after case closure	8

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Rate Intervention

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04311	Utility and Rate Litigation Case File (V)	I	Transfer to the State Records Center two years after case closure	6

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Special Investigations

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04245	Investigations/Enforcement Case File (C) KRS 61.878 (1)(h)(i)(j) (V)	I	Transfer to the State Records Center two years after case closure	8
04246	Welfare Fraud Investigative File (C) KRS 61.878 (1)(h)(i)(j) (V)	I	Transfer to the State Records Center two years after case closure	8

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Special Prosecutions

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04312	Special Prosecutions Litigation/Investigation File (C) KRS 61.878 (1)(h)(i)(j) (V)	I	Transfer to the State Records Center three years after case closure	17
04313	Special Prosecutions Permanent Case File - (Cases of historical significance, high profile--corruption of public officials, capital punishment, precedent- setting) (C) KRS 61.878 (1)(h)(i)(j), CR 5.24 (V)	I	Transfer to the State Archives Center five years after closure of case	P
04314	Disqualification/Appointment File - (Documents the disqualification of a local prosecutor and the appointment of a special prosecutor)	I	Transfer to the State Records Center three years after case closure	7

RECORDS RETENTION SCHEDULE

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Law
Attorney General
Victims' Advocacy

Schedule Date: June 08, 2000

Series No.	Record Title and Description	Retain at Agency (Years)	Disposition Instructions	Retain at State Archives or Records Ctr. (Years)
04322	Victims' Advocate Case File (C) KRS 61.878 (1) (a) (V)	I	Transfer to the State Records Center two years after case closure	1
04323	Victims' Advocacy Appellate Notification Case File Closed Date: 1/1/2000 (C) KRS 61.878 (1) (a) (V)	I	Transfer to the State Records Center three years after case closure	9
04324	Child Victim's Trust Fund File (V)	3	Destroy after audit	